

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA)	
)	
VS.)	
)	No. 1:02 CR 743-7 (CM)
)	
)	<u>EIGHTH SUPPLEMENTAL</u>
PETER GOTTI,)	<u>REPLY TO GOVERNMENT RESPONSE</u>
)	
Defendant)	

This eighth supplemental reply is submitted on behalf of the defendant Peter Gotti, by his counsel, in support of his First Step Act compassionate release motion (Doc. 412) filed June 28, 2019.

In our most recent filing on December 10, 2019, we indicated that Peter Gotti has the support of medical personnel at FMC Butner for compassionate release. We are confident though that the BOP officially will oppose compassionate release in its response to the Court's order entered December 13, 2019. We base this on the fact that the BOP consistently opposes compassionate release, and has done so routinely in every one of these cases cited in our filings in this case, in which compassionate release was granted by the particular District Court. In every one of the cases cited, the chronology has been as follows:

- A. The motion for compassionate release under the First Step Act is filed.
- B. The Government responds, sometimes only by court order, and opposes the motion. Two grounds are always asserted in opposition to the motion. One is that the defendant, who may be wheelchair bound and on dialysis and oxygen, is really much healthier than claimed. The tendency is to depict the movants as robust young

athletes. The other ground always asserted is future dangerousness, that the defendant's release would endanger the community and the public safety.

C. The District Court, ordinarily without a hearing, grants the motion and the defendant goes home.

We base this on having handled 28 of these sad cases and on research by FAMM (Families Against Mandatory Minimums) in Washington. The sole exception we are aware of is United States v. Friedlander, No. 8:08 CR 318 (M.D. Florida), now on appeal, No. 19-13347 AA (11th Circuit).

For all the above reasons and those set forth in the pending motion, and our previous filings, we continue to pray the Court for the compassionate release of Peter Gotti under the First Step Act.

Respectfully submitted,

/s/ James B. Craven III

James B. Craven III

NC State Bar 997

Attorney for the Defendant Peter Gotti

P.O. Box 1366

Durham, NC 27702

(919)688-8295

JBC64@MINDSPRING.COM

CERTIFICATE OF SERVICE

I have this day served Government counsel electronically:

Jun Xiang, Esquire
Assistant United States Attorney
One St. Andrew's Plaza
New York, NY 10007
Jun.Xiang@usdoj.gov

This 16th day of December 2019.

/s/ James B. Craven III

James B. Craven III